

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
MIDLAND/ODESSA DIVISION

PENNY SEVART,  
*Plaintiff,*

v.

PLAINS ALL AMERICAN GP, LLC,  
*Defendant.*

§  
§  
§  
§  
§  
§  
§

Case No. MO-21-CV-00086-DC

SECOND AMENDED  
SCHEDULING ORDER

**In lieu of a report on alternative dispute solution, the parties are ordered to mediate this case pursuant to Local Rule CV-88(c) on or before thirty (30) days prior to the date of the final pretrial conference. The parties must also ensure the provider files a notice of outcome in compliance with Local Rule CV-88(i) within five (5) days of the mediation**

1. The parties asserting claims for relief shall submit a written offer of settlement to opposing parties by 5/3/2021, and each opposing party shall respond, in writing, by 5/24/2021.

2. The parties shall file all motions to amend or supplement pleadings or to join additional parties by 8/2/2021.

3. All parties asserting claims for relief shall file their designation of testifying experts and shall serve on all parties, but not file, the materials required by Fed. R. Civ. P. 26(a)(2)(B) by 10/1/2021. Parties resisting claims for relief shall file their designation testifying experts and shall serve on all parties, but not file the materials required by Fed. R. Civ. P. 26(a)(2)(B) by 11/1/2021. All designations of rebuttal experts shall be designated within fourteen (14) days of receipt of the report of the opposing expert.

4. An objection to the reliability of an expert's proposed testimony under Federal Rule of Evidence 702 shall be made by motion, specifically stating the basis for the objection and identifying the objectionable testimony, within thirty (30) days of receipt of the written report of the expert's proposed testimony, or within thirty (30) days of the expert's deposition, if a deposition is taken, whichever is later.

5. The parties shall complete all discovery on or before 8/1/2022. Counsel may by agreement continue discovery beyond the deadline, but there will be no intervention by the Court except in extraordinary circumstances, and no trial setting will be vacated because of information obtained in post-deadline discovery.

6. All dispositive motions shall be filed no later than 9/1/2022. Dispositive motions as defined in Local Rule CV-7(c) and responses to dispositive motions shall be limited to twenty (20) pages in length. Replies, if any, shall be limited to ten (10) pages in length in accordance with Local Rule CV-7(e).

7. The Final Pretrial Conference for this case is set for 2/17/2023 at 10:30 A.M. The parties shall file their pretrial submissions in accordance with the provisions set out in Local Rule CV-16(e). Pretrial submissions shall also be provided in a USB Flash Drive.

8. This case is set for jury selection/trial on 3/6/2023 at 8:00 A.M.

It is so **ORDERED**.

SIGNED this 25th day of June, 2021.

A handwritten signature in black ink, appearing to read 'David Counts', with a stylized star-like flourish at the end.

---

DAVID COUNTS  
UNITED STATES DISTRICT JUDGE